



STATE OF WISCONSIN – JUDICIAL COUNCIL

AGENDA

WISCONSIN JUDICIAL COUNCIL

NOVEMBER 19, 2021 – 9:00 A.M.

CONDUCTED ONLY BY ZOOM

MADISON, WISCONSIN

William Gleisner is inviting you to a scheduled Zoom meeting. On 11/19/21 at 9 a.m., join the Zoom Council Meeting using the following URL: ¹

<https://us02web.zoom.us/j/85060858075?pwd=b0szQXovd2k1RFhmSkVpUFE4cmpxQT09>

When prompted, enter passcode: 444

Members of the public will be permitted to attend this meeting but must agree to refrain from disrupting the meeting. If anyone is unsure how to sign into the meeting, please email Bill Gleisner (gleisnerwilliam@gmail.com) or call him at 414-651-3182.

- I. Roll Call and approval of the October 15, 2021 Minutes.
- II. We believe that it is important to begin this meeting with a discussion of the purpose of the Judicial Council. Thus, we will start our meeting with a discussion of Wis. Stat. §758.13, which reads in pertinent part as follows:

¹ The following is additional information concerning the November 19, 2021 Zoom meeting:

Meeting ID: 850 6085 8075

Passcode: 444

Dial by your location

- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 850 6085 8075

Passcode: 444

Find your local number: <https://us02web.zoom.us/j/85060858075>

(2) Powers and duties. The council shall (Emphasis supplied):

(a) Observe and study the rules of pleading, practice and procedure, and advise the supreme court as to changes which will, in the council's judgment, simplify procedure and promote a speedy determination of litigation upon its merits.

(b) Survey and study the organization, jurisdiction and methods of administration and operation of all the courts of this state.

(d) Receive, consider and in its discretion investigate suggestions from any source pertaining to the administration of justice and to make recommendations.

(e) Keep advised concerning the decisions of the courts relating to the procedure and practice therein and concerning pending legislation affecting the organization, jurisdiction, operation, procedure and practice of the courts.

(f) Recommend to the legislature any changes in the organization, jurisdiction, operation and methods of conducting the business of the courts, including statutes governing pleading, practice, procedure and related matters, which can be put into effect only by legislative action.

(g) Recommend to the supreme court, legislature and governor any changes in the organization, operation and methods of conducting the business of the courts that will improve the efficiency and effectiveness of the court system and result in cost savings.

See also Wis. Stat. §751.12(5) ("The judicial council shall act in an advisory capacity to assist the [Supreme Court] in performing its duties under this section").

At our meeting, we will not just discuss the meaning of the foregoing statutes, but also the obligations which Wis. Stat. §751.12(5) and §758.13 impose on the Council in its dealings with the Legislature and the Supreme Court.

- III. Judge Gasiorkiewicz will deliver a Report on two recent developments of importance to the Judicial Council. 1) Judge Gasiorkiewicz will report on the recently concluded annual meeting of the Wisconsin Judicial Conference. 2) Based on a Preliminary Draft of Proposed Amendments to a number of Federal Rules (copy attached), Judge Gasiorkiewicz will also report on an August 2021 request for comments by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States regarding proposed amendments to a number of Federal Rules.
- IV. We are seeking volunteers to followup on a discussion at the October 15, 2021 meeting. Namely, as was suggested at the last meeting, perhaps it would be advisable to have the Council begin communicating differently with the Supreme Court. In lieu of a petition and memorandum, we could from time to time write a letter to the Supreme Court. For example, regarding the subject matter of the October 15, 2021 meeting (the establishment of permanent

emergency rules), we could just write a letter to the Supreme Court wherein we bring to the Court's attention discussions which we have had and resources we have considered (e.g., ABA Formal Opinions 477R and 482, as well as Pennsylvania Bar Formal Opinion 2020-300). It is not always necessary for the Council to communicate with the Supreme Court only via petitions and memoranda. Quite often, commentators have an effect on the thinking of the Bench and Bar by means of articles and letters. For example, note the analysis provided to the Bench and Bar by The State Bar in its November 2021 Inside Track article, "Proposed Changes to Family Law in Wisconsin." (a copy of which accompanies this Agenda).

V. Committee Reports.

(a) Evidence & Civil Procedure Committee.

(b) Criminal Procedure Committee.

(c) Appellate Procedure Committee.

VI. Adjournment.

PUBLIC NOTICE

All meetings of the Judicial Council and its committees are open to the public. The Council's November 19, 2021 meeting will be only conducted by Zoom. Members of the public are welcome to join the meeting by using the URL which is set forth above, or by using the Zoom application and entering Meeting No. 850 6085 8075 and, when prompted, passcode 444. However, members of the public must supply their name before they will be granted admission. In addition, the mikes of the public participants will be muted. If any member of the public disrupts the meeting in any way, they will be removed from the meeting and will be barred from readmission. For more information, please contact the Chair of the Judicial Council, Mr. Gleisner, at 414-651-3182 or gleisnerwilliam@gmail.com.